

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION
PLAINTIFF

v.

WELLS FARGO & COMPANY, *et al*
DEFENDANTS

§
§
§
§
§

CIVIL ACTION No. 2:06CV72

AFFIDAVIT OF ANTHONY K. BRUSTER

STATE OF TEXAS §
 §
COUNTY OF BOWIE §

BEFORE ME, the undersigned notary public, on this day personally appeared before me Anthony K. Bruster who, being by me first duly sworn, on oath stated as follows:


1. My name is Anthony K. Bruster. I am over the age of 18 and competent to make this affidavit. I am an attorney at NIX, PATTERSON & ROACH, LLP, counsel for DataTreasury Corporation in this action. I am a member of good standing of the State Bars of Texas, Arkansas, Louisiana, and New Mexico, and admitted to practice in this District. I have personal knowledge of the facts set forth in this Affidavit.

2. Attached as Exhibit 1 is a true and correct copy of relevant portions of First Citizens Bancshares, Inc.'s 2005 10-K SEC Filing. The relevant portions have been accurately explained in the body of the Response filed with this Affidavit.

3. Attached as Exhibit 2 is a true and correct copy of a printout of the web address www.firstcitizens.com/about_us/bancshares/corporate_governance/directors.htm. The relevant portions have been accurately explained in the body of the Response filed with this Affidavit.

4. Attached as Exhibit 3 is a true and correct copy of an Order filed November 16, 2004 in *DataTreasury vs. SVPCo.*

5. Further Affiant sayeth not.

A handwritten signature in black ink, appearing to read "Anthony K. Bruster", written over a horizontal line.

ANTHONY K. BRUSTER

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 23rd day of June, 2006.

A handwritten signature in black ink, appearing to read "Kim Garner", written over a horizontal line.

Notary Public

My Commission Expires: November 22, 2007